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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,226	04/19/2002	Mikko Olkkonen	4925-191PUS	8882
7590	01/24/2006		EXAMINER	
Michael C Stuart Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			FOX, JAMAL A	
		ART UNIT	PAPER NUMBER	2664

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/018,226	OLKKONEN ET AL.
	Examiner	Art Unit
	Jamal A. Fox	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 April 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,4,9,14 and 15 is/are rejected.
- 7) Claim(s) 2,5-8,10-13 and 16-19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 10/018,226.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/14/2001.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3, 4, 9, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard (WO 99/14929).

Referring to claim 1, Menard discloses a method for optimizing data transmission in a telephone network, characterized in that the method comprises at least steps, in which

a first switching network (Fig. 2 ref. sign 34 and respective portions of the spec.) element examines, if the incoming leg of a user data connection is transmitted from a second switching network element (Fig. 2 ref. sign 44 and respective portions of the spec.) via a packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.) and if the outgoing leg of the same user data connection is transmitted to a third switching network element (Fig. 2 ref. sign 54 and respective portions of the spec.) via said packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.),

if both the incoming and the outgoing legs are transmitted via said packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.), said first switching network element (Fig. 2 ref. sign 34 and respective portions of the spec.) indicates to one of said second (Fig. 2 ref. sign 44 and respective portions of the spec.) and third switching network elements (Fig. 2 ref. sign 54 and respective portions of the spec.) an address (IP address, Pages 11-15) of said packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.) corresponding to the other of said second (Fig. 2 ref.

sign 44 and respective portions of the spec.) and third switching network elements (Fig. 2 ref. sign 54 and respective portions of the spec.).

Referring to claim 3, Menard discloses a method according to claim 1, characterized in that said second and third switching network elements is said second switching network element (Fig. 2 ref. sign 44 and respective portions of the spec.) and said other of said second and third switching network elements is said third switching network element (Fig. 2 ref. sign 54 and respective portions of the spec.).

Referring to claim 4, Menard discloses a method according to claim 1, characterized in that said packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.) is an IP network and said address of said packet data network is an IP address (IP address, Pages 11-15).

Referring to claim 9, Menard discloses a method according to claim 1, characterized in that said connection is a speech (analog signal, page 12 lines 10-15) data connection.

Referring to claim 14, Menard discloses a switching network element of a telephone network, characterized in that the network element comprises at least means (Fig. 2 ref. sign server and respective portions of the spec.) for examining the incoming and outgoing legs of connections and for producing an output if both said legs of a connection are transmitted via a packet data network (Fig. 2 ref. sign 30 and respective portions of the spec.) instead of a circuit-switched connection, means (agent software, Pages 11-15) for indicating a packet data network address (IP address, Pages 11-15) corresponding to one of the switching network

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element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg to the other of the switching network element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg as a response to said output, and means (Fig. 2 ref. sign 44 and respective portions of the spec.) for sending a connection release message as a response to said output to said one of the switching network element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg.

Referring to claim 15, Menard discloses a switching network according to claim 14, characterized in that said one of switching network element (Fig. 2 ref. sign 44 and respective portions of the spec.) at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg is the switching network element at the receiving end of said outgoing leg; and said other of the switching network element (Fig. 2 ref. sign 54 and respective portions of the spec.) at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg is the switching network element at the originating end of said incoming leg.

5. Claims 1, 3, 9, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Oda et al. (EP 0 909 064 A2).

Referring to claim 1, Oda et al. discloses a method for optimizing data transmission in a telephone network, characterized in that the method comprises at least steps, in which

a first switching network element (Fig. 1B, Gatekeeper and respective portions of the spec.) examines, if the incoming leg of a user data connection is transmitted from a second switching network element (Fig. 1B, Gateway 1 and respective portions of the spec.) via a packet data network (Fig. 1B ref. sign 15 and respective portions of the spec.) and if the outgoing leg of the same user data connection is transmitted to a third switching network element (Fig. 1B Gateway 2 and respective portions of the spec.) via said packet data network (Fig. 1B ref. sign 15 and respective portions of the spec.),

if both the incoming and the outgoing legs are transmitted via said packet data network (Fig. 1B ref. sign 15 and respective portions of the spec.), said first switching network element (Fig. 1B, Gatekeeper and respective portions of the spec.) indicates to one of said second (Fig. 1B, Gateway 1 and respective portions of the spec.) and third switching network elements (Fig. 1B Gateway 2 and respective portions of the spec.) an address (Fig. 1B, Address and respective portions of the spec.) of said packet data network (Fig. 1B ref. sign 15 and respective portions of the spec.) corresponding to the other of said second (Fig. 1B, Gateway 1 and respective portions of the spec.) and third switching network elements (Fig. 1B Gateway 2 and respective portions of the spec.).

Referring to claim 3, Oda et al. discloses a method according to claim 1, characterized in that said second and third switching network elements is said second switching network element (Fig. 1B, Gateway 1 and respective portions of the spec.) and said other of said second and third switching network elements is said third switching network element (Fig. 1B Gateway 2 and respective portions of the spec.).

Referring to claim 9, Oda et al. discloses a method according to claim 1, characterized in that said connection is a speech data connection (connection, [0041]).

Referring to claim 14, Oda et al. discloses a switching network element of a telephone network, characterized in that the network element comprises at least means (Fig. 1B, Gatekeeper and respective portions of the spec.) for examining the incoming and outgoing legs of connections and for producing an output if both said legs of a connection are transmitted via a packet data network (Fig. 1B ref. sign 15 and respective portions of the spec.) instead of a circuit-switched connection,

means (Fig. 1B ref. sign AK and respective portions of the spec.) for indicating a packet data network address (Fig. 1B, Address and respective portions of the spec.) corresponding to one of the switching network element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg to the other of the switching network element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg as a response to said output, and

means (Fig. 1B, Gateway 2 and respective portions of the spec.) for sending a connection release message as a response to said output to said one of the switching network element at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg.

Referring to claim 15, Oda et al. discloses a switching network according to claim 14, characterized in that said one of switching network element (Fig. 1B, Gateway 1 and respective portions of the spec.) at the receiving end of said outgoing leg and the

switching network element at the originating end of said incoming leg is the switching network element at the receiving end of said outgoing leg; and said other of the switching network element (Fig. 1B Gateway 2 and respective portions of the spec.) at the receiving end of said outgoing leg and the switching network element at the originating end of said incoming leg is the switching network element at the originating end of said incoming leg.

***Allowable Subject Matter***

6. Claims 2, 5-8, 10-13 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.



Jamal A. Fox



WELLINGTON CHIN  
.. ADVISORY PATENT EXAMINER